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8 IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
9 IN AND FOR THE COUNTY OF PIERCE

10 TACOMA SCHOOL DISTRICT NO. 10

Case No.: 11-2-13530-1

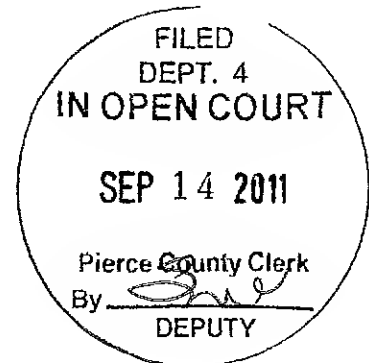
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12 Plaintiff,

13 vs.

TEMPORARY RESTRAINING ORDER

14 WEA-TACOMA; LYNN MACDONALD;
15 JESSICA UPTON; WILLIAM BAILEY;
16 TACOMA EDUCATION ASSOCIATION;
17 JOHN ANDREW COONS, individually and
18 as Tacoma Education Association's President;
19 JUDY ALIA, ADRIENNE DALE, PATRICK
20 PARIS, FRANCIS FLEISCHMANN, JOYCE
21 ELS, SARA ERICKSON, MARILYN
22 O'MALLEY-HICKS, PATRICIA LEO, and
23 CAROL LOWENSTEIN, individually and as
24 TACOMA EDUCATION ASSOCIATION'S
EXECUTIVE BOARD; ROBERT ALINE,
PATRICIA ALBERT, ANN MCPARTLON,
ANGEL MORTON, VERONICA MUNYAN,
JOHN SOLBERG, and DEBORAH
STERBICK, and all other persons in active
concert or participation with any of the above-
named defendants,

25 Defendants.
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TEMPORARY RESTRAINING ORDER - 1

CASE NO.: 11-2-13530-1

OFFICE OF THE GENERAL COUNSEL
TACOMA SCHOOL DISTRICT NO. 10
601 SOUTH 8TH STREET, P.O. BOX 1357
TACOMA, WA 98401-1357
PHONE: 253.571.1013 - FAX: 253.571.1440

1 THE COURT NOW MAKES THE FOLLOWING FINDING:

2 The Court finds that the District, has made a showing of a clear legal or equitable right
3 and a well-grounded fear of immediate invasion of that right. The District has also made a
4 prima facie showing that the acts complained of establish an actual and substantial injury or an
5 affirmative prospect thereof to the District.
6

7 IT IS HEREBY ORDERED:

8 1. That the Defendants, and all other persons in active concert or participation with
9 any of the above-named defendants ~~including all members of TEA~~, are restrained and enjoined
10 from: (sm)

- 11 a. engaging in, encouraging, or lending support or assistance of any nature to
12 strike, work stoppage, or slowdown against the District;
13 b. coercing any persons to refuse to discharge their normal or substitute duties
14 for the District;
15 c. interfering with the free ingress and egress of the District's agents,
16 employees, and students, or other authorized persons, to and from the
17 schools and other facilities operated by the District; and
18 d. taking unjustified sick, personal, or other leave in concert with or in aid of
19 any strike, work stoppage, or slowdown.

20 2. This Order goes into effect immediately upon entry. All employees represented
21 by TEA are to report for work and to discharge their assigned employment responsibilities in
22 accordance with the school calendar and individual employment contracts as of the date of the
23 issuance of this Order. (sm)

24 3. The TEA ~~and its members~~ shall be deemed to have notice of this order upon
25 service of a copy of the order upon TEA counsel Tyler Firkins. Defendants Coons, Alia, Dale,
26 Paris, Fleischmann, Ells, Erickson, O'Malley Hicks, Leo and Lowenstein, as the Executive
27 Board of TEA are hereby responsible for immediately notifying all employees represented by
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TEMPORARY RESTRAINING ORDER - 3

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1 TEA and/or acting in concert with the named defendants that the strike and related activities as
2 described in paragraph 1, above, have been restrained and enjoined. Any failure by Defendants
3 Coons, Alia, Dale, Paris, Fleischmann, Ells, Erickson, O'Malley Hicks, Leo and Lowenstein to
4 notify the TEA membership of the existence of this Order and its terms in no way affects any
5 other term of this Order.

6 4. Failure to fully comply with this Order may subject violators to contempt of
7 court sanctions.

8 5. The District, because it is a ^{political subdivision} ~~municipal corporation~~ of the State of Washington, is
9 not required to post a surety bond in this matter. ^{substant to} ~~RAW 4,92.080, sm~~ *sm*

10 6. The parties are to appear in Courtroom 2B of the Pierce County Superior Court
11 at 1:30 pm on Friday, September 16, 2011 to verify compliance with this order.

12 7. A hearing on the District's Motion for Preliminary Injunction will be held at
13 9:00 am on September 27, 2011 in Courtroom 2B of the Pierce County Superior Court.

14 8. Nothing in this Order should be construed as a final ruling on the merits and this
15 Order is temporary in nature and shall be replaced by subsequent orders of the Court including
16 any orders issued with respect to the Plaintiff's Motion for Preliminary Injunction and any
17 counter motions made by the Defendant. *sm*

18 ~~The Court was separately presented with a Motion to Strike and a Motion to Shorten~~
19 ~~Time by Defendant TEA, which was only served upon the District at the time it was provided~~
20 ~~to the Court. The Motion to Strike was DENIED.~~

21 *#9 The Parties are Ordered to return*
22 *as soon as practical to collective bargaining*
23 *DATED THIS 14TH DAY OF SEPTEMBER, 2011. and shall continue to*
24 *bargain in good faith throughout the*
25 *term of this temporary restraining order.* *sm*

26 FILED
27 DEPT. 4
28 IN OPEN COURT

SEP 14 2011

Pierce County Clerk

By *sm*
TEMPORARY RESTRAINING ORDER - DEPUTY

sm
The Hon. Bryan Chushcoff
Pierce County Superior Court Judge

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1 Presented by:

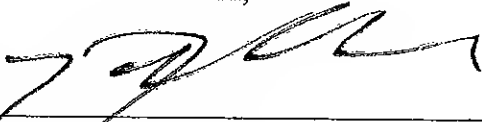
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3 Shannon M. McMinimee WSBA #34471

4 Attorney for Plaintiff

5 Tacoma School District No. 40

6 Approved to as to Form,

7 

8 Tyler Firkins WSBA #20964

9 Attorney for Defendant

10 Tacoma Education Association

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TEMPORARY RESTRAINING ORDER - 5

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